IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5360 OF 2004

Junaid Yusuf Azam ...Applicant

Versus

The State of Maharashtra & Ors. ...Respondents

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Mr.Jagdish R.Chomal for Applicant.

Mr.K.V.Saste, A.P.P. for Respondent No.1.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 20, 2004.

P.C.

1. Counsel for the Applicant submits that the offence pertains to year 1996. But trial has not commenced so far. This, by itself, cannot be the basis to quash the F.I.R. pending against the Applicant in which charge-sheet has already been filed. Learned Counsel contends that the Applicant has not been named by any of the witness and no overt act is attributed. However, considering that the document which is produced before this Court,

is only copy of the F.I.R. and two statements and not the entire record, which has been filed along with the charge-sheet, the appropriate course, to my mind, is to direct the Trial Court to proceed to frame the charges forthwith, not later than one month from the receipt of writ of this Court, if already not done.

2. It will be open to the Applicant to apply for discharge at the appropriate stage, if so advised. If such application is filed, the same will be considered on its own merits, uninfluenced by the observations made in this order. All questions in that behalf are left open.

3. Application disposed of on the above terms.

A.M.KHANWILKAR, J.